

Exhibit 34 Reyes Depo. Vol. II

I attest that the evidence cited herein fairly and accurately supports the facts as asserted.

Date: July 24, 2012

Respectfully submitted,

JACKSON LEWIS LLP

By:

Kathleen Maylin

Travis Raymond

Attorneys for Defendant

SAN FRANCISCO UNIFIED SCHOOL DISTRICT

4830-4426-0624, v. 2

MILLER & COMPANY REPORTERS

**CERTIFIED
TRANSCRIPT**

UNITED STATES DISTRICT COURT
NORTHER DISTRICT OF CALIFORNIA

MARGARET REYES,

Plaintiff,

v.

SAN FRANCISCO UNIFIED SCHOOL
DISTRICT,

Defendant.

SAN FRANCISCO UNIFIED SCHOOL
DISTRICT;

Counterclaimant,

v.

MARGARET REYES, RICHARD M.
ROGERS, THE LAW OFFICE OF
RICHARD M. ROGERS, AND DOES 1
THROUGH 10, INCLUSIVE,

Counterdefendants.

DEPOSITION OF: JUNE DAYAO

TAKEN ON: June 8, 2012

NO. 13136

REPORTED BY:

JULIE ALFORD
CSR No. 7694

Los Angeles

800.487.6278

San Francisco

1 "Yes" and "No" is really good. Nodding your
2 head doesn't work. The court reporter might take it
3 down, might not. Grunts are all right. You know,
4 the court reporter hardly ever gets an "Uh-huh"
5 wrong. But we prefer "Yes" and "No," and because we
6 do prefer it, I will probably correct you. So if I'm
7 saying "Say 'Yes,'" it's because you just grunted or
8 nodded your head or something. All right?

9 If you're uncomfortable, you need a break,
10 let me know. We're not here to make you
11 uncomfortable. It's late on Friday; so we are here
12 to get you out of here in as short of time as we can.

13 If you make a mistake and you're still here
14 when you realized you made a mistake, please fix it.

15 You will get a chance to read the transcript in
16 probably three weeks, and you have a duty to make
17 corrections if you got something wrong. You are
18 under oath. I'd prefer to get it fixed today. If I
19 have to follow up on a mistake, I might have to call
20 you back. I might decide not to call you back. I
21 might comment about it at trial. I don't want any of
22 that to happen. Let's just get it right. Okay?

23 All right. Who are you employed by?

24 A. San Francisco Unified School District.

25 Q. And how long have you been employed by the

1 district?

2 A. Since 1980. January 1980.

3 Q. Okay. Are you a teacher?

4 A. I'm a teacher.

15:02:34 5 Q. What do you teach?

6 A. I teach special education students.

7 Q. Okay. Where do you teach?

8 A. Hillcrest Elementary School.

9 Q. And how long have you been at Hillcrest?

15:02:46 10 A. Since 2005.

11 Q. Okay. While you were there, did you meet

12 Margaret Reyes? She was named Margaret Burns for

13 some of the time?

14 A. Yes.

15:02:58 15 Q. Do you recall when you met her?

16 A. No.

17 Q. Did you ever have any opportunity to observe

18 her teaching?

19 A. Yes.

15:03:03 20 Q. All right. And how did that come about?

21 A. Two of my students are in her classroom.

22 Q. Okay. Were these special needs students?

23 A. They're -- correct.

24 Q. And how does -- I wasn't there, and I have

15:03:34 25 no idea how it works.

1 How does it work? You're in the classroom
2 for what reason?

3 A. I pick them up. I -- it's a pull-out
4 program. I was the resource specialist program
15:03:40 5 teacher, and I would pull them out.

6 Q. And bring them back?

7 A. Yes, and bring them back.

8 Q. Did you ever stay and observe her teaching?

9 A. No.

10 Q. Do you have any impression of her teaching
11 skills?

12 A. Yes.

13 Q. What's your impression?

14 A. Chaotic.

15:04:04 15 Q. And why do you say that?

16 A. Because the children are walking about, not
17 in their place.

18 Q. Were they doing activities that she was
19 directing?

15:04:22 20 A. No.

21 Q. Okay. Were you on the Union Building
22 Committee while she was there?

23 A. Yes.

24 Q. And what period of time was that?

15:04:38 25 A. I don't remember.

1 Q. 2010? 2011?

2 A. Maybe -9 -- 2009.

3 Q. Okay. Who else was on the committee?

4 A. Phil Miller.

15:05:04 5 Q. How long were you on the committee?

6 A. One year.

7 Q. Did Ms. Reyes come up at any point while you
8 were on the committee? Was she discussed?

9 A. No.

15:05:24 10 Q. Any complaints about her?

11 A. No.

12 Q. Were you aware that -- strike that.

13 Was there any discussion while you were on
14 the committee about referring her to PAR?

15:05:42 15 A. No.

16 Q. Do you know about any investigation of her
17 teaching skills?

18 A. No.

19 Q. Were you aware that there was an
15:05:58 20 investigation of her teaching skills?

21 A. No.

22 Q. Did you complain to anybody about her
23 teaching skills?

24 A. No.

15:06:06 25 Q. Did you ever discuss her with anybody?

1 a lawsuit against the school district or Richard or
2 Matthew.

3 MR. ROGERS: Matthew. I'm sorry. You're --

4 THE WITNESS: Or the administrators. But
15:24:48 5 she had really an axe to grind with Richard. They
6 seemed to not -- she does not like him.

7 BY MS. MAYLIN:

8 Q. Did you understand then that she brought up
9 her last lawsuit in order to say that she was going
15:25:06 10 to do the same with Richard?

11 A. In a way, but I didn't take her seriously.

12 Q. Okay.

13 A. I thought she was kidding. I never heard of
14 this kind of thing before.

15:25:30 15 Q. Do you have any information, June, that
16 particularly difficult students were
17 disproportionately placed in Margaret's classroom?

18 A. That's not true, because we -- we have
19 the -- the grade level team, it's the grade level
15:25:50 20 teachers. They have to put the children in
21 Post-it's, boy, girl. And sometimes I have to be
22 involved because I have a different sticker that goes
23 with my students. And then the most difficult
24 students really go to the ones that are -- who can
15:26:10 25 handle the students. So it's all -- we use the word

1 we spread the wealth around.

2 So we have to look at the stickers and see
3 which students fit best to which teacher, and that's
4 how we spread the wealth. It's a very hard-staffed
15:26:37 5 school; so our students are quite tough.

6 Q. Okay. So you don't believe that the wealth
7 was spread disproportionately?

8 A. No, because disproportionately -- there's at
9 least two in every room, in every class that has the
15:26:54 10 potential. It's either hard to discipline or hard to
11 get the parent to be involved.

12 MS. MAYLIN: That's all I have. Thank you.

13

14 FURTHER EXAMINATION

15:27:06 15 BY MR. ROGERS:

16 Q. When you do the stickers, is that at the end
17 of the school year?

18 A. Uh-huh. We are required to do it and have
19 the list before school ends.

15:27:16 20 Q. All right. So, for example, the first grade
21 teachers get together and put the stickers on charts
22 for the next school year for the second grade?

23 A. Right, and make a list.

24 Q. All right. Did Mr. Zapien change the list,
15:27:36 25 the assignments?

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I, JULIE ALFORD, Certified Shorthand
Reporter, License No. 7694, do hereby certify:

That, prior to being examined, the witness
named in the foregoing deposition, to wit,
JUNE DAYAO, was by me duly sworn to testify the
truth, the whole truth and nothing but the truth:

That said transcript was taken down by me in
shorthand at the time and place therein named and
thereafter reduced to computerized transcription
under my direction.

I further certify that I am not interested
in the event of the action.

WITNESS this 26th day of July, 2012.


JULIE ALFORD

MILLER & COMPANY REPORTERS

**CERTIFIED
TRANSCRIPT
CONFIDENTIAL**

UNITED STATES DISTRICT COURT
NORTHER DISTRICT OF CALIFORNIA

MARGARET REYES,

Plaintiff,

v.

SAN FRANCISCO UNIFIED SCHOOL
DISTRICT,

Defendant.

SAN FRANCISCO UNIFIED SCHOOL
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Counterclaimant,

v.

MARGARET REYES, RICHARD M.
ROGERS, THE LAW OFFICE OF
RICHARD M. ROGERS, AND DOES 1
THROUGH 10, INCLUSIVE,

Counterdefendants.

DEPOSITION OF: VICTORIA GONZALEZ

TAKEN ON: June 5, 2012

CONFIDENTIAL TRANSCRIPT

NO. 13135 REPORTED BY: JULIE ALFORD
CSR No. 7694

Los Angeles

San Francisco

800.487.6278

1 Q. I see. Okay. How did you -- well, strike
2 that.

3 How does the PAR program work?

4 MR. RAYMOND: Objection. Vague and
10:07:30 5 ambiguous.

6 You can answer if you know.

7 THE WITNESS: The PAR program, it's very --
8 this could be a very lengthy answer.

9 Basically --

10:07:44 10 MR. RAYMOND: I'm sorry. I'll also object
11 it calls for a narrative.

12 Go ahead.

13 MR. ROGERS: It calls for an explanation,
14 actually.

10:07:54 15 Q. But go ahead.

16 A. Okay. The peer assistance and review
17 program was agreed upon in our teacher contract with
18 UESF, our union, and San Francisco Unified School
19 District, and the contract that is now in process of
10:08:08 20 being renegotiated -- it's in Article 40, I think,
21 41. It explains the parameters of the peer
22 assistance and review program and the process by
23 where one ends up in peer assistance and review.

24 Would you like me to continue?

10:08:28 25 Q. Yeah. From your perspective -- we've got to

1 evaluations?

2 A. Yes.

3 Q. All right. Is there another way to get in?

10:13:18 4 A. The other way to get into PAR is through a
5 UBC -- which is Union Building Committee -- UBC
6 referral.

7 Q. UBC means there's some committee that
8 represents the school, the teachers?

9 A. You're on your school site. Your union
10:13:30 10 building committee. It depends on numbers, because I
11 was on it at my school site, off and on. We had our
12 person who was -- and I forget the title of the
13 person who's the -- who's basically our
14 representative, our school representative who attends
10:13:50 15 the meetings. And then there's a group of us that
16 were elected to be part of the union building
17 committee. And ideally you would try to cover all
18 bases. You'd have PAR professionals and -- and
19 because that's part of our union and a variety of
10:14:10 20 people.

21 And the UBC meets -- we met every week, but
22 we were very active and had open meetings. So my
23 case was a little different. But the UBC, for
24 example, might talk about procedures. If there's
10:14:30 25 something that they feel needs to be worked on in the

1 school. It's a real mixed bag. It might be ways
2 that we can improve our own classroom climate, but --
3 or if there's a grievance, if somebody is displeased
4 with something that's going on in the school. So it
10:14:4 5 is our -- our organization. Okay.

6 Q. What's your -- well, strike that.

7 Have you been on a UBC where you referred
8 somebody to PAR?

9 A. No.

10:15:0 10 Q. Okay. Do you know -- do you actually know
11 how that works?

12 A. Yes, I do.

13 Q. Okay. How does it work?

14 A. As far as I understand, because I -- because
10:15:15 15 I -- they gave us -- when we started in PAR, they
16 gave us a lot of training and things like that, and
17 I've seen a referral.

18 Basically the UBC will submit this referral,
19 and it has -- I had one for somebody a few years ago,
10:15:33 20 and it was very -- it was very sketchy. Okay. It
21 just had a -- something about -- there were concerns
22 about this particular teacher's --

23 MR. RAYMOND: I'm going to stop you for a
24 second.

10:15:50 25 For PAR program stuff, we want to be on the

1 teachers and -- yeah, four classroom teachers and
2 administrators and Dennis and Mary.

3 BY MR. ROGERS:

4 Q. Okay. Voluntary PAR, what's the difference?

10:23:24 5 A. Okay. Voluntary PAR actually started the
6 first year I was a PAR coach. It was developed as a
7 way to provide help to teachers that had received
8 satisfactory evaluations, but needed some help. For
9 example, a teacher moving -- and this is used in our
10:23:54 10 little brochure, which is new -- a teacher moving to
11 a different school, a teacher changing grade level,
12 changing subject, a teacher wanting to try out some
13 new project.

14 So it was developed to kind of destigmatify
10:24:14 15 PAR, that there are other things that we do in
16 teacher support and development. People don't
17 realize that we also -- under our program we also
18 have connections to national board certification, my
19 intern program, teacher academy. We have a variety
10:24:34 20 of things, not just peer assistance and review.
21 Parent/teacher programs. So it was also to show that
22 we do a variety of things besides PAR and to provide
23 those services that could theoretically help a
24 teacher that might have a rough go. For example,
10:24:50 25 changing grade level can be extremely challenging.

1 So it was a period of no more than two
2 months and tailored support. So that's what it
3 started out to be. And it's no longer called v PAR.

4 MR. RAYMOND: Can we take a really short
10:25:08 5 break?

6 MR. ROGERS: All right.

7 (A brief recess was taken.)

8 MR. ROGERS: I assume you had to go to the
9 bathroom. I don't want you taking short breaks to
10:26:10 10 coach. So if you need it for that, please let me
11 know.

12 Q. You mentioned national board certification.
13 What's that?

14 A. That's a process by which teachers do an
10:26:34 15 extensive -- I'm not the one that coordinates that.
16 But they -- it's like a huge project. They videotape
17 and analyze their work they reflect, and they submit
18 a variety of documentation to be certified at the
19 national board.

10:26:58 20 Q. When you get certification, does it impact
21 your pay level?

22 MR. RAYMOND: Objection. Calls for
23 speculation.

24 THE WITNESS: The school district -- can I
10:27:10 25 answer? Well, as far as I understand --

1 know about it?

2 A. Because we're coaches and we meet together.

3 Q. Okay.

4 A. Yeah.

10:55:12 5 Q. So, in your opinion, is that the total
6 number of teachers he's referred to PAR?

7 MR. RAYMOND: Objection. Calls for
8 speculation.

9 THE WITNESS: He would not refer them to
10:55:24 10 PAR. He would -- the evaluations would be reviewed
11 to see if they qualified for PAR.

12 BY MR. ROGERS:

13 Q. Or there could be the UBC?

14 A. Or the UBC.

10:55:36 15 Q. And you don't know how that worked?

16 MR. RAYMOND: Objection. Vague and
17 ambiguous.

18 BY MR. ROGERS:

19 Q. Do you know whether they were UBC or
10:55:42 20 evaluation referrals?

21 A. It was a UBC referral.

22 Q. For all three?

23 A. No. I don't know on the others. No.

24 Q. That's what I meant.

10:55:50 25 A. No, I do not know.

1 of the PAR referral and how it would impact her
2 attempt to get pregnant?

3 A. No.

4 Q. Okay. So the third visit, what did you do?

11:36:16 5 A. It was fairly short because it was kind of
6 checking in. I think that she was getting the music
7 program. It was more like just a friendly visit. I
8 don't recall that -- she was feeling -- I remember
9 she -- I -- that she -- I got some feeling that she
11:36:52 10 was feeling positive about being at Lawton. We
11 talked about what a nice school it was. But it was
12 not -- I don't recall it being a very long meeting.

13 Q. What was your assessment of Ms. Reyes?

14 MR. RAYMOND: Objection. Vague and
11:37:08 15 ambiguous. Misstates testimony about assessment.

16 THE WITNESS: Okay. V PAR is not
17 assessment.

18 BY MR. ROGERS:

19 Q. I'm sorry. What was your assessment. Not
11:37:18 20 formal. What was your assessment?

21 A. I --

22 MR. RAYMOND: Same objections.

23 THE WITNESS: I can't assess someone -- or I
24 can't make any kind of ideas about someone unless
11:37:28 25 I've observed the classroom, observed the teaching,

1 meeting after two or three meetings where we're
2 talking of a variety of things, I have -- I cannot
3 assess, nor is that my job.

4 BY MR. ROGERS:

11:37:52 5 Q. Did you form an impression of her competence
6 as a teacher from what you observed?

7 MR. RAYMOND: Objection. Calls for
8 speculation.

9 THE WITNESS: No, because I saw her
11:38:06 10 classroom. I didn't see her with children, and
11 that's not my job as a v PAR.

12 BY MR. ROGERS:

13 Q. Your last visit with her was October 4th,
14 2011 --

11:38:28 15 A. Uh-huh.

16 Q. -- according to Exhibit 4; right? That
17 should be the one on top.

18 MR. RAYMOND: Objection. The exhibit speaks
19 for itself.

11:38:48 20 MR. ROGERS: Yeah, but who knows whether
21 it's lying or not.

22 Q. Is it your best memory that your last visit
23 with her was October 4, 2011?

24 A. It would have been around that period of
11:39:02 25 time, yes.

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5 I, JULIE ALFORD, Certified Shorthand
6 Reporter, License No. 7694, do hereby certify:

7 That, prior to being examined, the witness
8 named in the foregoing deposition, to wit,
9 VICTORIA GONZALEZ, was by me duly sworn to testify
10 the truth, the whole truth and nothing but the truth:

11 That said transcript was taken down by me in
12 shorthand at the time and place therein named and
13 thereafter reduced to computerized transcription
14 under my direction.

15
16 I further certify that I am not interested
17 in the event of the action.

18
19 WITNESS this 22nd day of June, 2012.

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23 JULIE ALFORD
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARGARET REYES,

Plaintiff,

Vs. No. C11-04628 YGR [ECF]

SAN FRANCISCO UNIFIED SCHOOL
DISTRICT,

Defendant.

DEPOSITION OF: JESSICA HOBBS-ALVAREZ
TAKEN ON: JUNE 29, 2012

2-13154 ERIN SHANNON
CSR No. 11355

1 please fix it.

2 A. Okay.

3 Q. Okay? It's important.

4 What else can I tell you?

14:11:37 5 We use "I am sure" to mean we are guessing,
6 so if you hear yourself saying "I am sure," you might
7 want to self-edit. You can say "I am sure" if you
8 want. It will look like certainty on the record.

9 A. Okay.

14:11:50 10 Q. All right. Who are you employed by?

11 A. San Francisco Unified School District.

12 Q. How long have you been so employed?

13 A. Five years.

14 Q. Okay. Where were you employed prior to San
14:12:03 15 Francisco Unified School District?

16 A. I worked at Zazie Restaurant in San
17 Francisco.

18 Q. Okay. How old are you?

19 A. 32 years old.

14:12:13 20 Q. Okay. When did you get your -- I can't
21 talk. Sorry. It's Friday.

22 When did you get your teaching credential?

23 A. Let's see. 2008.

24 Q. Approximately five years ago?

14:12:26 25 A. Yes.

1 Q. Okay. All right. Where was your first job
2 as a teacher?

3 A. Hillcrest Elementary.

4 Q. Okay. All right. Your name is
14:12:38 5 Hobbs-Alvarez?

6 A. (Nods head.)

7 Q. When -- when was it Hobbs?

8 A. Very recently, up until very recently, and
9 on all of my district documents it still says
14:12:49 10 "Jessica Hobbs," but on a few other documents it has
11 my additional last name.

12 Q. Okay. So when were you -- so you were
13 married?

14 A. Yes.

14:12:56 15 Q. When was that?

16 A. What does that have anything to do with
17 this?

18 Q. The last year? I am just trying to find
19 out --

14:13:03 20 A. Okay.

21 Q. -- because we have different names.

22 A. Okay. Yes. I was -- well, I have been
23 married for almost four years but just recently
24 changed my name last year.

14:13:14 25 Q. All right. Okay.

1 Q. Do you have any recollection of giving this
2 email to Mr. Zapien?

3 A. No.

4 Q. You were the UBC representative at the time?

14:18:09 5 A. Yes.

6 Q. Okay.

7 A. I mean, if this was -- this was in 2010,
8 yeah, so I have been the UBC rep for two years so
9 last school year and then the school year before
10 that.

14:18:21

11 Q. So 2011 to 2010?

12 A. Uh-huh, yes.

13 Q. 2011 to 2012?

14 A. So yes. I was the UBC rep.

14:18:32 15 Q. Okay. Do you have any recollection of
16 talking to Mr. Zapien about this email?

17 A. No.

18 Q. Let me do it from the other side. Do you
19 have any reason to doubt that you showed this email
14:18:44 20 to Zapien?

21 MR. RAYMOND: Objection. Misstates
22 testimony. Calls for speculation.

23 THE WITNESS: I -- like I said before, the
24 same thing stands what I said before. I don't remember
14:18:55 25 talking to Mr. Zapien about this email.

1 A. I don't remember.

2 Q. What were you -- what were your duties at
3 the time in terms of teaching? Which grade?

4 A. 2010. So I was a kindergarten teacher.

14:23:20 5 Q. Okay. Was your classroom anywhere near Ms.
6 Reyes' bungalow?

7 A. No. Because the bungalows are outside, and
8 I was -- no.

9 (Discussion off the record.)

14:23:37 10 BY MR. ROGERS:

11 Q. What are your duties as a -- what is it
12 called? A UBC representative?

13 A. I am a union representative -- building
14 representative for --

14:24:00 15 Q. Okay. And the other letters, they refer to
16 the union representative. Is that a dual role?

17 A. No. I am the elected representative. I am
18 elected by the staff, and I am the representative for
19 Hillcrest Elementary to the union. But I would --
14:24:18 20 it's one role. I mean, there are many parts to it,
21 but it's one.

22 Q. Okay. What are your duties as the
23 representative?

24 A. My duties are to facilitate and lead the
14:24:30 25 monthly UBC meetings at Hillcrest at the school, also

1 to attend the monthly meetings, the monthly assembly
2 meetings, also to be -- to help members with issues
3 about the contract, and yeah, the contract, mostly
4 around the contract.

14:24:58 5 Q. Okay. Do you have anything to do with the
6 school's budget?

7 MR. RAYMOND: Objection. Vague and
8 ambiguous.

9 THE WITNESS: The UBC has a role in the SCC
10 which determines part of the budget.

11 BY MR. ROGERS:

12 Q. What is the "SCC"?

13 A. The School Site Council.

14 Q. Okay. Which part of the budget does the SCC
14:25:28 15 participate in?

16 A. Title I funds.

17 Q. What's that? Special needs?

18 A. They are just -- they are -- I mean, I am
19 not clear on all of the parts of the budget, but
14:25:44 20 there are a certain number of, like, funds that go
21 toward specific things. That's all I can tell you.

22 Q. Okay. What are your duties with respect to
23 PAR?

24 A. It is my responsibility to facilitate
14:26:07 25 recommendations to the PAR program.

1 I, ERIN SHANNON, Certified Shorthand Reporter,
2 License No. 11355, do hereby certify:

3 That, prior to being examined, the witness named
4 in the foregoing deposition, to wit, JESSICA
5 HOBBS-ALVAREZ, was by me duly sworn to testify the
6 truth, the whole truth and nothing but the truth:

7 That said transcript was taken down by me in
8 shorthand at the time and place therein named and
9 thereafter reduced to computerized transcription under
10 my direction.

11 I further certify that I am not interested in the
12 event of the action.

13

14 WITNESS this 13th day of July, 2012.

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ERIN SHANNON, CSR NO. 11355

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